



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE AUGUST 11, 2011 GENERAL SESSION

1. Call to Order

Chairman Andrew J. MacKay called the General Session to order at approximately 9:30a.m.

2. Roll Call

Present in Las Vegas: Commissioner Michael J. Klobardanz, Commissioner Monica B Metz, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief Investigator Michael Bradford, Deputy Attorney General Kimberly Arguello. Present in Reno: Chairman Andrew J. MacKay, Deputy Commissioner Marilyn Skibinski.

3. Pledge of Allegiance

Chairman MacKay led a recital of the Pledge.

- 4. Public Comment:** Members of the public are invited to comment on any items on the agenda below. No action will be taken on any item during the public comment period, but may be taken at the appropriate point in the agenda meeting.

None.

5. Approval of Agenda – FOR POSSIBLE ACTION

Administrative Attorney Day asked that Item 33 be removed from the Agenda. Approved 3-0 as amended.

6. Approval of the Minutes of the July 13, 2011 Agenda Meeting – FOR POSSIBLE ACTION

Approved 3-0.

7. Briefings from the Commissioners

Chairman MacKay noted that he and Commissioner Metz will attend a training session on Monday at the National Judicial College and that Administrative Attorney Day will be attending the two week fair hearing course, also at the National Judicial College. The Chairman noted that Mr. Day had received a scholarship and that the State would bear no expense related to his attendance. The Chairman congratulated former NTA Supervisory Investigator Ruben Aquino on being named Chief of Enforcement at the Taxicab Authority. Finally, the Chairman welcomed Chairman Ileana Drobkin from the Taxicab Authority. Commissioner Metz provided an update on the status of the model tow tariff and noted the upcoming second workshop in that matter.

8. Briefing from the Deputy Commissioner

None.

9. Report of Legal Counsel

Deputy Attorney General Kim Arguello reported that the Handicab Petition for Judicial Review had been dismissed.

APPLICATIONS FOR FULLY REGULATED CARRIERS

Items 10 and 11 were considered jointly. AJM summarized the Applications and recommended approval.

- 10. Docket No. 10-07005** The Joint Application of Lucy Ludgren for authority to sell and transfer and of the Lucy Ludgren Family Trust to purchase and acquire 99% of the corporate stock of Virginia City Tours, Inc., a carrier authorized to provide passenger transportation under Certificate of Public Convenience and Necessity (hereinafter “CPCN”) 2251, Sub 1. (AJM) – **FOR POSSIBLE ACTION**

Approved 3-0.

- 11. Docket No. 10-07006** The Joint Application of the Lucy Ludgren Family Trust for authority to sell and transfer and of Sara Kuttel to purchase and acquire 99% of the corporate stock of Virginia City Tours, Inc., a carrier authorized to provide passenger transportation under CPCN 2251, Sub 1. (AJM) – **FOR POSSIBLE ACTION**

Approved 3-0.

- 12. Docket No. 11-04002** The Application of Trade Show Services, LTD d/b/a Pro-Tect Security for a contract carrier permit to provide prisoner transportation services pursuant to a contract with the State of Nevada. Applicant’s Petition to extend the interim/temporary approval of their Application due to exigent circumstances (temporary operating authority granted under Permit MV 6147). Staff investigation concluded. – **FOR POSSIBLE ACTION**

Applications Manager Liz Babcock reported that Staff supports the Application and requested that the extension be granted for a period of 90 days or until the date of the third subsequent General Session of the Authority, whichever comes last. A brief discussion ensued regarding the ideal duration of the extension. Approved 3-0 for a period of 90 days.

- 13. Docket No. 11-04020** The Application of Douglas Parking, LLC for an expansion of operating authority under Contract Carrier Permit MV 6144. Applicant’s Petition to extend the interim/temporary approval of their expansion in order to provide passenger transportation services pursuant to a contract with the Cosmopolitan Hotel. Staff investigation concluded. – **FOR POSSIBLE ACTION**

Applications Manager Liz Babcock reported that Staff supports the Application and requested that the extension be granted for a period of 30 days. Approved 3-0 for a period of 30 days.

ORDERS TO SHOW CAUSE

- 14. Docket No. 11-05001** (stemming from Citations 15311, 15312 and 15313) The Order to Show Cause issued to Gilberto A. Solis-Lopez d/b/a Best’s Towing as to why CPCN 7200 should not be revoked. (MJK) – **FOR POSSIBLE ACTION**

Attorney Brent Carson, Esquire was present on behalf of the Respondent. Commissioner Kloberdanz summarized his findings and recommendations. Mr. Carson stated that Mr. Solis-Lopez is committed to changes to avoid further violations. Commissioner Kloberdanz' proposed Order approved 3-0.

15. Docket No. 11-07013 The Order to Show Cause issued to Trans-Pacific Coachline, LTD as to why CPCN 2054 should not be revoked. – **FOR POSSIBLE ACTION**

No one was present on behalf of the carrier. Chairman MacKay summarized the matter and the notification provided to the carrier. Administrative Attorney Day reported that Staff had received no contact from the carrier and asked that the certificate be ordered revoked. CPCN ordered revoked by a vote of 3-0.

FINANCIAL RATES AND TARIFFS

16. Docket No. 10-12017 The Application of Cramer Automotive, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7089, Sub 1. Staff investigation concluded. – **FOR POSSIBLE ACTION**

Financial Analyst Yvonne Shelton summarized the Application and recommended approval. Approved 3-0.

17. Docket No. 11-07007 The Application of All The Right Moves, LLP d/b/a All The Right Moves for approval of a tariff rate modification for the transportation of household goods conducted under CPCN 3340. Staff investigation concluded. – **FOR POSSIBLE ACTION**

Financial Analyst Yvonne Shelton summarized the Application and recommended approval. In response to a question from Commissioner Metz, Ms. Shelton reported that the carrier has been offering the discount rate for some time and maintains healthy equity. Approved 3-0.

18. Docket No. 11-07021 The Application of Airport Mini Bus for approval of a tariff rate modification for airport limousine services conducted under CPCN 2350, Sub 6. Staff investigation concluded. – **FOR POSSIBLE ACTION**

Chip Bell and Jeanne O'Doan were present on behalf of the Applicant. Financial Analyst Yvonne Shelton summarized the Application and recommended approval. Commissioner Metz requested that language be added to the Order indicating that the one-way airport transfer rate has not been modified since at least 2005. Approved 3-0 with the added language suggested by Commissioner Metz.

DISCUSSION ITEM

19. Chairman Andrew J. MacKay will report on the results of his review of regulations pursuant to Governor Sandoval's directive and suggest potential changes to NAC 706. – **FOR POSSIBLE ACTION**

Chairman MacKay summarized his findings and recommendations. Attorney Kimberly Maxson-Rushton, Esquire was present on behalf of regular route carrier Open Top Sightseeing. Ms. Rushton expressed support for the proposed changes relative to the operations of her client. Commissioner Metz expressed concern about repealing longstanding provisions without adequate research into the motivations for adoption of the regulations and the potential impacts of rescinding the regulations. Chairman MacKay moved to submit a report detailing his findings (as set forth in his memorandum) to the Department of Business and Industry for subsequent submission to the Governor pursuant to Executive Order 1.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO
PROVIDE CHARTER BUS SERVICE**

20. Docket No. 11-02018 The Joint Application of Booth Creek Ski Holdings, Inc. for authority to sell and transfer and of Vail Resorts, Inc. to purchase and acquire Trimont Land Company, Inc. d/b/a Northstar at Tahoe Resort, a carrier authorized to provide intrastate charter bus service within the State of Nevada under CPCN 2140. Staff investigation concluded. – **FOR POSSIBLE ACTION**
Chairman MacKay summarized the Application and recommended approval. Applications Manager Liz Babcock reported that an operational inspection disclosed no issues of concern and that Staff supports the Application. Approved 3-0.

21. Docket No. 11-02019 The Joint Application of Resort Express, Inc. for authority to sell and transfer and of All Resort Group, Inc. to purchase and acquire All Resort Coach, Inc. d/b/a Lewis Stages, a carrier authorized to provide intrastate charter bus service within the State of Nevada under CPCN 2147. Staff investigation concluded. – **FOR POSSIBLE ACTION**
General Manager Dana Warring was present on behalf of the transferee Applicant. Chairman MacKay summarized the Application and recommended approval. Applications Manager Liz Babcock reported that an operational inspection disclosed no issues of concern, that no operational changes will occur upon the transfer, and that Staff supports the Application. Approved 3-0.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO
PROVIDE TOW CAR SERVICE**

22. Docket No. 11-03020 The Application of Michael Nguyen d/b/a Regulate Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. – **FOR POSSIBLE ACTION**
Applications Manager Liz Babcock reported that the carrier will be based in Las Vegas, Nevada and that Staff supports the Application. Approved 3-0.

23. Docket No. 11-04001 The Application of Joaquin Ortiz d/b/a Ortiz Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. – **FOR POSSIBLE ACTION**
Applicant Joaquin Ortiz was present. Applications Manager Liz Babcock reported that the carrier will be based in Las Vegas, Nevada and that Staff supports the Application. Approved 3-0.

24. Docket No. 11-04008 The Application of Terry Escoffier d/b/a High Desert Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. – **FOR POSSIBLE ACTION**
Timothy Yost, son of the Applicant, was present on behalf of the Applicant. Applications Manager Liz Babcock reported that the carrier will be based in Winnemucca, Nevada and that Staff supports the Application. In response to a question from Commissioner Metz, Mr. Yost stated that two tow carriers currently serve Winnemucca. Approved 3-0.

VOLUNTARY CANCELLATIONS

25. Docket No. 11-07008 The request of A & B Logistics, Inc. d/b/a Alpine Taxi to voluntarily cancel CPCN 1085, Sub 1. Staff investigation concluded. – **FOR POSSIBLE ACTION**
Chairman MacKay provided background information regarding the request. In response to a question from Commissioner Metz, Chairman MacKay noted that at least two other carriers are authorized to

serve the region at issue, but that the removal of this carrier from the market may adversely affect the availability of lawful intrastate taxicab services. In response to a question from Commissioner Metz, Compliance Audit Investigator Gina Reynolds reported that she is working with the tow carrier to retrieve the taxicab plate from the Alpine Taxi's impounded taxicab. Approved 3-0.

26. Docket No. 11-07015 The request of S & S Moving, Inc. to voluntarily cancel CPCN 3252. Staff investigation concluded. – **FOR POSSIBLE ACTION**
Applications Manager Liz Babcock noted that the carrier's authority was subject to a temporary discontinuance for the past six months. Approved 3-0.

27. Docket No. 11-07017 The voluntary cancellation by LRS Towing, Inc d/b/a LRS Towing of CPCN 7250. Staff investigation concluded. – **FOR POSSIBLE ACTION**
Approved 3-0.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Item 33 was removed from the Agenda prior to consideration. Items 28 through 32 and 34 through 47 were considered collectively and approved by a vote of 3-0.

28. Citation 14487 issued to A & B Logistics, Inc. d/b/a Alpine Taxi for a violation of NRS 706.386. (AJM) – **FOR POSSIBLE ACTION**

29. Citation 15309 issued to Gilberto A. Solis-Lopez d/b/a Best's Towing for violations of NAC 706 as amended by LCB File No. R075-08(3) and NRS 706.4473. (MJK) – **FOR POSSIBLE ACTION**

30. Citation 15469 issued to Lorenzo White Jr. for a violation of NAC 706.228(5) as amended by LCB File No. R127-07. (MJK) – **FOR POSSIBLE ACTION**

31. Citation 15470 issued to Jonnie Burkholder for a violation of NAC 706.228(5) as amended by LCB File No. R127-07. (MJK) – **FOR POSSIBLE ACTION**

32. Citation 15481 issued to Ryan Andrew Anderson for violations of NRS 706.386 and NRS 706.758. (MJK) – **FOR POSSIBLE ACTION**

33. Citation 15504 issued to Ronald Sande for a violation of NAC 706.228(5) as amended by LCB File No. R127-07. (MJK) – **FOR POSSIBLE ACTION**

Item removed from the Agenda prior to consideration.

34. Impound 1870 The impoundment pursuant to NRS 706.476 of a vehicle registered to Diana Anderson. (MJK) – **FOR POSSIBLE ACTION**

35. Impound 1885 and Citation 15468. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15468 issued to Jason A. Curran for violations of NRS 706.386 and NRS 706.758. (MJK) – **FOR POSSIBLE ACTION**

36. Impound 1888 and Citation 15471. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15471 issued to Paul J. Firak for violations of NRS 706.386 and NRS 706.758. (MJK) – **FOR POSSIBLE ACTION**

- 37. Citation 15442** issued to Song Xiong for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.228. (MBM) – ***FOR POSSIBLE ACTION***
- 38. Citation 15447** issued to Joselito A. Poblador for a violation of NAC 706.228(5) as amended by LCB File No. R127-07. (MBM) – ***FOR POSSIBLE ACTION***
- 39. Citation 15466** issued to Rommel Salas for violation of NAC 706.228(5) as amended by LCB File No. R127-07. (MBM) – ***FOR POSSIBLE ACTION***
- 40. Impound 1886 and Citation 15450.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15450 issued to James Clifford Rieke for violations of NRS 706.386 and NRS 706.758. (MBM) – ***FOR POSSIBLE ACTION***
- 41. Impound 1890 and Citation 15472.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15472 issued to Robert Del Rio for violations of NRS 706.386 and NRS 706.758. (MBM) – ***FOR POSSIBLE ACTION***
- 42. Citation 15378** issued to Quality Towing for violations of NAC 706.420 (103 counts) and NAC 706.311 (37 counts). – ***FOR POSSIBLE ACTION***
- 43. Citation 15467** issued to Mahan Washington for a violation of NAC 706 as amended by LCB File No. R127-07(1). – ***FOR POSSIBLE ACTION***
- 44. Citation 15476** issued to Jason Walter Buell for a violation of NAC 706.247/49 CFR 393.71. – ***FOR POSSIBLE ACTION***
- 45. Citations 15477 and 15478** issued to Main Gate Towing d/b/a Titan Towing for violations of NRS 706.4477, NAC 706.420 as amended by LCB File No. R112-10, NAC 706.410 and NAC 706.311. – ***FOR POSSIBLE ACTION***
- 46. Citations 15479 and 15480** issued to Mark Pearson for violations of NAC 706 as amended by LCB File No. R127-07(1), NAC 706.228(3) as amended by LCB File No. R127-07 and NAC 706.228. – ***FOR POSSIBLE ACTION***
- 47. Citation 15505** issued to The Tow Truck Company for violations of NAC 706 as amended by LCB File No. R075-08 (3 counts). – ***FOR POSSIBLE ACTION***
- 48. Public Comment:** members of the public are invited to comment on items on the agenda or on items not contained therein. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on an agenda as an item for possible action.

In response to a question from David R. Walker of Walker Towing, Commissioner Metz described the process for submitting comments on the model tow tariff. Commissioner Metz and Deputy Commissioner Skibinski discussed the possibility of online comment submission through the Authority's website. Deputy Commissioner Skibinski also commended Karen Rayson for her recent improvements to the Authority's website.

49. Adjournment

In accordance with Nevada's Open Meeting Law, the Authority may consider agenda items taken out of order. The Authority, at its discretion, may take public comment during times other than the designated Public Comment agenda items. The Authority may combine two or more agenda items for consideration. The Authority may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Authority reserves the right to limit public comment to five minutes.

Chairman MacKay adjourned the General Session at 11:15a.m.